

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: L. Kent Byrd, Jr., *et al.*
Application No.: 10/588,328
Filing Date: August 3, 2006
Title: SHEET MATERIAL INFILTRATION OF POWDER METAL PARTS
Group Art Unit: --
Examiner: --
Confirmation No.: 7223
Atty. Docket No.: 990029.00004

PETITION UNDER RULE 1.47(a)

MS Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Joint inventor, L. Kent Byrd, Jr., refuses to join in the above application for patent or cannot be found or reached after diligent effort. The application is hereby made by the other inventor, Alan Taylor, on behalf of himself and the nonsigning inventor.

Proof of the pertinent facts is provided by the enclosed Declaration of John D. Franzini, which sets forth the diligent efforts expended to try to contact Mr. Byrd to obtain his signature. After diligent effort, it appears that Mr. Byrd refuses to sign the Declaration document.

The last known address for Mr. Byrd is: *1718 Klerner Lane
New Albany, IN 47150
United States of America*

Please charge the \$200.00 for filing by other than all inventors under 37 CFR 1.17(g), and any other fees that may be due, to Deposit Account Number 17-0055.

Respectfully submitted,

ALAN TAYLOR

Date: 7/24/07

By: 

John D. Franzini
Reg. No. 31,356
Attorney for Applicants
Quarles & Brady LLP
411 East Wisconsin Avenue
Milwaukee, WI 53202
(414) 277-5747
(414) 978-8747 (fax)

PATENT

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DECLARATION OF JOHN D. FRANZINI

MS Missing Parts
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

John D. Franzini hereby declares and says as follows:

1. I was retained by GKN Sinter Metals, Inc. to prepare the above-identified patent application for an invention developed by L. Kent Byrd, Jr. and Alan Taylor.

2. The patent application was filed without the signatures of L. Kent Byrd, Jr. and Alan Taylor on the Declaration.

3. On March 2, 2007 our office received a Notification of Missing Requirements from the United States Patent and Trademark Office informing us that a signed Declaration was needed.

4. In the course of trying to obtain signatures on the Declaration, I was informed that L. Kent Byrd, Jr. was no longer an employee of GKN Sinter Metals.

5. On July 10, 2007, I obtained the last-known address for Mr. Byrd from GKN Sinter Metals - 1718 Klerner Lane, New Albany, IN 47150.

6. On July 10, 2007, I sent a letter enclosing a copy of the patent application and Declaration to Mr. Byrd's last-known home address in New Albany, Indiana, via UPS Next Day. I requested a delivery confirmation as well.

7. In the letter to Mr. Byrd, I requested that the Declaration document be signed and returned to Quarles & Brady LLP law firm by July 18, 2007, using the enclosed pre-paid UPS envelope.


8. On July 23, 2007 I placed a telephone call to Mr. Byrd's home phone and left a message regarding the need for the signed Declaration document. I have not received a return phone call.

9. On July 24, 2007 a delivery confirmation receipt was received at Quarles & Brady LLP signed by Mr. L. Kent Byrd, Jr. (see attached copy).

11. As of July 24, 2007, we have not received the signed declaration from Mr. L. Kent Byrd, Jr.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: 7/24/07



John D. Franzini
Reg. No. 31,356
Attorney for Applicants
Quarles & Brady LLP
411 East Wisconsin Avenue
Milwaukee, WI 53202
(414) 277-5747
(414) 978-8747 (fax)

**Confirmation of Delivery**Shipper No. 594-242
QUARLES AND BRADY

No. 1Z5942422450944443

Image of Signature



Recipient

BYRD

Delivered 07-11-07

07-11 RECEIVER REQUESTED DELIVERY DELAY
07-11 SAME DAY WILL CALL*Mr. L. Kent Byrd, Jr.*